

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID J. POPKO,
Plaintiff,

v.

PENN STATE MILTON S.
HERSHEY MEDICAL CENTER, et al.,
Defendants

: No. 1:13-cv-01845

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: (Judge Kane)

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ORDER

AND NOW, on this 14th day of July 2014, **IT IS HEREBY ORDERED THAT**

Defendants' motion to dismiss (Doc. No. 13) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff's claims under the Pennsylvania Human Relations Act, 43 P.S. § 951, et seq. are **DISMISSED WITH PREJUDICE**;
2. Plaintiff's claims under the Americans With Disabilities Act, 42 U.S.C. § 12101, et seq. are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff's age discrimination claim under the Age Discrimination in Employment Act, 29 U.S.C.A. § 621, et seq. is not dismissed; to the extent also Plaintiff alleges a hostile work environment under the Age Discrimination in Employment Act, it is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiff's retaliation claim under Family Medical Leave Act, 29 U.S.C.A. § 2601, et seq. is not dismissed; Plaintiff's interference claim under the Family Medical Leave Act is **DISMISSED WITHOUT PREJUDICE**;
5. Plaintiffs' claim under Title VII is **DISMISSED WITHOUT PREJUDICE**, and
6. Plaintiff's breach of contract claim is **DISMISSED WITHOUT PREJUDICE**.

7. Plaintiff is granted leave to file an amended complaint within 21 days of the date of this order.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania